



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON, D.C. 20370-5100

JRE
Docket No: 6036-99
10 April 2000



Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 30 March 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board concluded that your bilateral foot condition was not recorded in the report of your pre-enlistment physical examination because you did not disclose the condition in the medical history form you completed on 12 August 1996, and the condition was not apparent to routine medical inspection. Shortly after you entered on active duty, however, you sought medical care for a twisted ankle, and revealed that you had had foot pain since high school, and had been unable to play football during your senior year because of foot and ankle problems. Examination of your lower extremities revealed that you had severe pes planus (flat feet) with pronation, which precluded you from completing training. The condition was classified as existed prior to entry (EPTE), not service aggravated (NSA). On 24 November 1997, you waived your right to appear before a physical evaluation board, and you acknowledged that you would not be held on active duty in order to undergo further medical testing and/or treatment. You were discharged on 22 December 1997, without entitlement to disability benefits administered by the Department of the Navy.

The Board rejected your unsubstantiated contentions that you sustained a significant injury to your ankle during your enlistment, and that you were denied a "medical discharge" because you had not completed six months or more of active duty. It noted that the ankle injury was minor in nature, and did not result in permanent aggravation of your preexisting condition. With regard to your discharge processing, the Board noted that you advised medical authorities that you wanted to go home, and that you waived your right to appear before a physical evaluation board. The Board concluded that had you disclosed the problems with your lower extremities on 12 August 1996, it is unlikely that you would have been permitted to enlist in the Marine Corps.

In view of the foregoing, and as you have not demonstrated that you were unfit for duty because of a disability incurred in or aggravated by your brief period of service, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director